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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,634	05/02/2001	Thomas A. Seeman	TIG-200-A	6613

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WEINER & BURT, P.C.
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HARRISVILLE, MI 48740

EXAMINER

VINCENT, SEAN E

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 06/25/2002

3

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-3

Office Action Summary	Application No. 09/847,634	Applicant(s) SEEMAN ET AL.	
	Examiner Sean E Vincent	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Use of the term "MAPP gas" is indefinite because the actual composition of the gas is unknown. The applicant's lexicography suggests that MAPP is a hydrocarbon mixture of methylacetylene propadiene and propylene. While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The Sittig's Handbook of Toxic and Hazardous Chemicals and Carcinogens (4th ed.) lists "MAPP gas" as one of several synonyms for methylacetylene/propadiene mixture whereas other synonyms are: allene-methyl acetylene mixture, propyne-allene mixture and propyne-propadiene mixture. Furthermore, it would appear that the prior art is replete with further synonyms such as "C-53 gas" or "MAPD gas" and the volume proportions of the hydrocarbon components in these mixtures can vary greatly so that a composition containing 90 volume percent "MAPP gas" and 10 volume percent propane is practically meaningless. This is especially true if propane is listed as a constituent of the MAPP gas synonym.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Seeman (US 4498918). The features of applicant's claims can be found in col. 3, lines 3-8 and col. 3, line 44 to col. 4, line 30.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Virey (US Re. 34785).

8. Virey teaches methods of superstoichiometric combustion of hydrocarbons in flames preferably higher than 2500°C for the main purpose of glass mold lubrication (see col. 3, line 34 to col. 4, line 63). Virey does not teach the use of MAPP gas, per se. Mixtures of propyne and propadiene and further additions of propane are disclosed. It is the position of the examiner that the broad recitation of “MAPP gas” reads on the disclosed hydrocarbon mixtures of Virey.

9. Virey also anticipated other heat sources including plasma in col. 4, lines 22-26. Virey does not teach mold heating, per se. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to expect mold heating to occur in the process of Virey because the requirement for an oxygen-rich combustion in the flame and a minimum desired temperature suggested that mold heating would have been inherent in the mold lubrication process.

10. Virey does not teach mold heating prior to or during a production run. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to heat molds prior to or during a production run since mold lubrication was done during a production run and Virey taught preferred flame characteristics.

11. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Virey in view of Eagle et al (US 5888266).

12. Virey does not teach changing the gas mixture while maintaining the flame to either inhibit or promote carbon skeleton formation. Eagle et al taught similar processes wherein carbon deposits were taught to be removed by adding methane to a gas mixture fitting

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applicant's description of MAPP gas (see example and col. 4, lines 44-55). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to change the mixture of Virey with natural gas because Eagle et al taught that a carbon deposit could be removed from a plunger by increasing the methane proportion in a MAPP gas mixture.

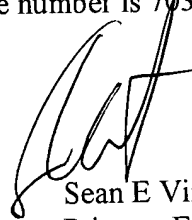
Conclusion

13. The prior art made of record and not relied upon is cited to further show the state of the art.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E Vincent whose telephone number is 703-305-3607. The examiner can normally be reached on M - F (8:30 - 6:00) Second Monday Off.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

16. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Sean E Vincent
Primary Examiner
Art Unit 1731

S Vincent
June 21, 2002

US 0984763405P1



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